

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 17-31360
STEVEN LINFANTE Judge: SHERWOOD
VICTORIA LINFANTE

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 5/25/2021
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THE FOLLOWING MATTERS MAY BE OF PARTICULAR IMPORTANCE. DEBTORS MUST CHECK ONE BOX ON EACH LINE TO STATE WHETHER THE PLAN INCLUDES EACH OF THE FOLLOWING ITEMS. IF AN ITEM IS CHECKED AS "DOES NOT" OR IF BOTH BOXES ARE CHECKED, THE PROVISION WILL BE INEFFECTIVE IF SET OUT LATER IN THE PLAN.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH

MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: /s/ SDS

Initial Debtor: /s/ SL

Initial Co-Debtor: /s/ VL

Part 1: Payment and Length of Plan

a. The debtor shall pay \$774.00 per month to the Chapter 13 Trustee, starting on June 1, 2021 for approximately 41 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

\$17,930.00 paid in through May 31, 2021

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion:

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

The plan is being modified pursuant to the Coronavirus Aid, relief, and Economic Security Act ("CARES Act") because I have experienced a material financial hardship directly due to the COVID-19 Pandemic. Without some relief I will not be able to meet all my monthly expenses.

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
MINION & SHERMAN	ATTORNEYS FEES	\$1,500.00 (balance of original retainer) + \$3,240.00 in supplemental fees awarded by the court + \$700.00 in estimated supplemental fees (subject to court approval)

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
U.S. Bank Trust, N.A. (1 st Mortgage)	2 Birchtree Dr., Fairfield, NJ 07004	\$23,478.72 (Post petition arrear through May 31, 2021)	n/a	\$23,478.72 (Post petition arrear through May 31, 2021)	As per terms of note and mortgage commencing June 1, 2021

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

BANK OF AMERICA (PMSI on 2010 Nissan Sentra)

PROPONENT FCU (PMSI ON 2015 JEEP WRANGLER)

g. Secured Claims to be Paid in Full Through the Plan: ☒ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan

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Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than 100% percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
STUDENT LOANS	NON-DISCHARGEABLE	TO BE PAID OUTSIDE THE PLAN AS PER TERMS OF THE AGREEMENT	AMOUNT AS PER TERMS OF THE AGREEMENT

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Attorney's Fees
- 3) Secured Claims
- 4) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 9/10/2018

Explain below **why** the plan is being modified:

The plan is being modified because Debtors have added post-petition mortgage arrears into the plan. In addition, Debtors were financial impacted by COVID.

The plan is being modified because Debtor has experienced a material financial hardship directly due to the COVID-19 Pandemic. See Part 1.e of plan.

Explain below **how** the plan is being modified:

The Plan is being modified to extend plan to 84 months and to add post-petition mortgage arrears to plan.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true

Date: 6/2/2021

/s/ Scott D. Sherman
Attorney for the Debtor

Date: 5/30/2021

/s/ Steven Linfante
Debtor

Date: 5/30/2021

/s/ Victoria Linfante
Joint Debtor

In re:
Steven Linfante
Victoria Linfante
Debtors

Case No. 17-31360-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Jun 03, 2021

User: admin
Form ID: pdf901

Page 1 of 3
Total Noticed: 32

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 05, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Steven Linfante, Victoria Linfante, 2 Birchtree Drive, Fairfield, NJ 07004-1814
aty	+ Stern & Eisenberg, 1581 Main Street, Suite 200, Warrington, PA 18976-3403
cr	+ BANK OF AMERICA, N.A., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
cr	+ U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER, Phelan Hallinan & Schmieg, PC, 1617 JFK Boulevard, Suite 1400, Philadelphia, PA 19103-1814
cr	+ U.S. Bank Trust, N.A., Stern & Eisenberg, PC, 1040 North Kings Highway, Suite 407, Cherry Hill, NJ 08034-1925
517857915	+ American Financial Resources, Inc., c/o LoanCare, LLC, 3637 Sentara Way, Virginia Beach, VA 23452-4262
517227621	Bank Of America, N.A., PO BOX 31785, Tampa, FL 33631-3785
517134013	+ Barclays Bank Delaware, 100 S West St, Wilmington, DE 19801-5015
518681975	+ CSMC 2019-RPL9 Trust, Serviced by Select Portfolio Servicing,, PO Box 65250, Salt Lake City, UT 84165-0250
518681976	+ CSMC 2019-RPL9 Trust, Serviced by Select Portfolio Servicing,, PO Box 65250, Salt Lake City, UT 84165-0250, CSMC 2019-RPL9 Trust Serviced by Select Portfolio Servicing,
517134018	+ Costco Go Anywhere Citicard, Centralized Bk/Citicorp Credit Card Srvs, Po Box 790040, St Louis, MO 63179-0040
517134024	+ STERN & EISENBERG, PC, 485B Route 1 South, Suite 330, Iselin, NJ 08830-3067
517134023	+ Stern & Eisenberg, P.C., 1581 Main Street, Suite 200, Warrington, PA 18976-3403

TOTAL: 13

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Jun 03 2021 20:31:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpregion03.ne.ecf@usdoj.gov	Jun 03 2021 20:31:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
lm	+ Email/Text: ECMBKMail@Caliberhomeloans.com	Jun 03 2021 20:31:00	Caliber Home Loans, 16745 W. Bernardo, Suite 300, San Diego, CA 92127-1908
517134014	+ Email/Text: ECMBKMail@Caliberhomeloans.com	Jun 03 2021 20:31:00	Caliber Home Loans, In, 13801 Wireless Way, Oklahoma City, OK 73134-2500
517134015	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Jun 03 2021 21:47:00	Capital One, Attn: Bankruptcy, Po Box 30253, Salt Lake City, UT 84130-0253
517256121	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Jun 03 2021 21:47:00	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
517134016	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Jun 03 2021 20:30:00	Comenity Bank/Express, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
517134017	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Jun 03 2021 20:30:00	Comenity Bank/Victoria Secret, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
517134019	+ Email/PDF: creditonebknofications@resurgent.com	Jun 03 2021 21:45:58	Credit One Bank Na, Po Box 98873, Las Vegas, NV 89193-8873

District/off: 0312-2

User: admin

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Date Rcvd: Jun 03, 2021

Form ID: pdf901

Total Noticed: 32

517346492	Email/PDF: resurgentbknofications@resurgent.com	Jun 03 2021 21:47:08	LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and, FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
517134020	+ Email/PDF: pa_dc_claims@navient.com	Jun 03 2021 21:46:03	Navient, Attn: Claims Dept, Po Box 9500, Wilkes-Barr, PA 18773-9500
517134021	Email/Text: Bankruptcy.Notices@pnc.com	Jun 03 2021 20:30:00	Pnc Bank, 2730 Liberty Ave, Pittsburgh, PA 15222
517250286	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Jun 03 2021 21:47:05	Portfolio Recovery Associates, LLC, c/o Barnes & Noble, POB 41067, Norfolk VA 23541
517134022	Email/Text: collections@profcu.org	Jun 03 2021 20:30:00	Proponent Fcu, 536 Washington Ave, Nutley, NJ 07110
517338515	Email/Text: bnc-quantum@quantum3group.com	Jun 03 2021 20:31:00	Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
517134025	+ Email/PDF: gecsedl@recoverycorp.com	Jun 03 2021 21:46:55	Synob Bank/American Eagle, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
517137716	+ Email/PDF: gecsedl@recoverycorp.com	Jun 03 2021 21:46:55	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
517324026	+ Email/Text: ECMBKMail@Caliberhomeloans.com	Jun 03 2021 20:31:00	U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER, c/o Caliber Home Loans, 13801 Wireless Way, Oklahoma City OK 73134-2500
517244878	+ Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Jun 03 2021 21:47:13	Verizon, by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 19

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr	*+	U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER, Phelan Hallinan & Schmieg, PC, 1617 JFK Boulevard, Suite 1400, Philadelphia, PA 19103-1814
517134012	##+	Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012

TOTAL: 0 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 05, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 2, 2021 at the address(es) listed below:

District/off: 0312-2

User: admin

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Date Rcvd: Jun 03, 2021

Form ID: pdf901

Total Noticed: 32

Name	Email Address
Denise E. Carlon	on behalf of Creditor CSMC 2019-RPL9 Trust dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Marie-Ann Greenberg	magecf@magtrustee.com
Nicholas V. Rogers	on behalf of Creditor BANK OF AMERICA N.A. nj.bkecf@fedphe.com
Scott D. Sherman	on behalf of Debtor Steven Linfante ssherman@minionsherman.com
Scott D. Sherman	on behalf of Joint Debtor Victoria Linfante ssherman@minionsherman.com
Sindi Mncina	on behalf of Creditor U.S. Bank Trust N.A. smncina@raslg.com
Sindi Mncina	on behalf of Creditor U.S. BANK TRUST N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST smncina@raslg.com
Steven P. Kelly	on behalf of Creditor U.S. Bank Trust N.A. skelly@sterneisenberg.com, bkecf@sterneisenberg.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9